

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
May 17, 1995

The Texas State Soil and Water Conservation Board met on May 17, 1995 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Paul Robertson, Chairman
Charles D. "Buddy" Clark, Vice Chairman
C. F. "Dick" Schendel, Member
Albert Evans, Member
Harvey Davis, Member

Staff members present were:

Robert G. Buckley, Executive Director
William C. Neiser, Assistant Executive Director
James M. Moore, Assistant Executive Director
Mel Davis, Assistant Executive Director
Leonard Pietzsch, Jr., Chief Accountant
Randy Jones, Human Resources Director
Beade Northcut, Engineer
Bo Spoons, Director of Programs
Cherié King, Director of Programs
Clyde Gottschalk, Information/Education Director
Mahendra Mohite, Engineer Assistant
Maria Pinto, Hydrologist
Lois Cain, Administrative Technician
Steve Jones, Regional Manager, Dublin
Charley Rodgers, Regional Manager, Plainview
John O'Conner, Regional Manager, Mt. Pleasant
Stephen Deiss, Regional Manager, Wharton
Andy Garza, Regional Manager, Rio Grande Valley
Rex Isom, Soil Conservationist
Robert Gruner, Soil Conservationist
Johnny Oswald, Soil Conservationist
Joe Freeman, Soil Conservationist
Roy Freeman, Soil Conservationist
Adrian Perez, Soil Conservationist
David Powell, Soil Conservationist
Joel Clark, Soil Conservationist
Dub Crumley, Soil Conservationist
Don Brandenberger, Soil Conservationist

Others present were:

D. V. Guerra, Chairman, Hidalgo SWCD #350
Bill Thompson, Vice Chairman, Hidalgo SWCD #350
Noe Garza, District Conservationist, NRCS, Edinburg Field Office
Allen Moore, Engineer, NRCS, San Benito
Wayne Halbert, Vice Chairman, Southmost SWCD #319
Atlan Pfluger, Texas Water Development Board
Donald Swann, Association of Texas SWCDs
Kenton Inglis, Natural Resources Conservation Service

Chairman Robertson called the meeting to order and welcomed those present.

On motion of Dick Schendel, seconded by Albert Evans, the minutes of the March 15, 1995 board meeting were approved as mailed.

Mel Davis presented district director appointments for consideration. He advised the Board the following appointments appeared to be in order:

Larry Schiller, Concho SWCD #201
Rob Angerstein, Victoria SWCD #346
Denise Prescott, Goliad SWCD #352
Karla Dean, Trinity Bay SWCD #434
Wayne Cockrell, Miller-Brazos SWCD #542
Douglas K. McPherson, Denton Co. SWCD #547

On motion of Harvey Davis, seconded by Buddy Clark, the appointments were approved as presented.

Mel Davis then discussed a letter of request from the Collin County Soil and Water Conservation District #535 which proposed subdivision boundary changes for Zones One and Four in order to better balance the number of farmers and ranchers represented in Zone Four. On motion of Harvey Davis, seconded by Buddy Clark, the boundary changes were approved as requested. Motion carried.

Subdivision boundary changes for the Upper Pecos Soil and Water Conservation District #213 were discussed. Johnny Oswald informed the Board that proper documentation of water control and improvement district boundary descriptions used in describing the subdivision boundaries would be forthcoming. No action was taken and the item will be discussed at the regular July board meeting.

Bill Thompson, Vice Chairman of the Hidalgo Soil and Water Conservation District #350 addressed the Board and requested the Board to consider adding certain practices to the SB 503 cost share practice list. The Board was provided a list of cost share practices that the staff had developed for their consideration and the practices requested by the districts from the Rio Grande Valley were on the proposed list. The Board then viewed a video prepared by the Hidalgo, Southmost and Willacy Soil and Water Conservation Districts which described water quality attained from the requested practices. Allen Moore, Engineer with the Natural Resources Conservation Service then discussed what had been presented in the video. After this presentation James Moore explained that at the last Board meeting the staff had been directed to check into cost share practices requested by districts for Board consideration. Beade Northcut gave a staff report on meetings that had been held in San Angelo, Wharton, Raymondville and Plainview to review requested practices and reported on their water quality benefits. After discussion and on motion of Dick Schendel, seconded by Harvey Davis, the following changes and additions were approved for the current state approved cost share list:

- 1) Add under Irrigation Systems "Surface-surge valves, Code 443, lifespan 10 years."
- 2) Add under Irrigation System, "Surface-shallow flood rice irrigation, all needed component practices. Code 443, lifespan 20 years."
- 3) Delete "for shallow flood rice irrigation" reference from Precision Land Forming.
- 4) Add "Includes all needed component practices" to Waste Management System.
- 5) Delete "Waste Management Pond", "Waste Storage Structure" and "Waste Treatment Lagoon."
- 6) Change "Plugging Abandoned Irrigation Wells" to "Plugging Abandoned Water Wells."
- 7) Add "Incinerator."
- 8) Add "Irrigation Pipeline, Code 430, lifespan 10 years."

9) Delete reference to "B slope land" for Irrigation System-Trickle.

10) Add "Subsurface Drains, Code 606, lifespan 10 years."

Dick Schendel expressed appreciation on behalf of the Board to the visitors from the Rio Grande Valley for their attendance at the Board meeting and for their presentation.

Donald Swann reported on the Association of Texas Soil and Water Conservation Districts' board meeting held on May 15-16, 1995. He said all directors and three alternates were present. They approved a Strategic Plan and Mr. Swann expressed appreciation to Mr. Buckley and State Board staff for their assistance with drafting a Strategic Plan. He said the directors also approved the preparation and filing of necessary paperwork to form a separate nonprofit corporation that could fund the Association in the future. Mr. Swann also advised the Board that the Association directors would be sending a letter to Congressman Charles Stenholm regarding his statements at the Lubbock Congressional Hearing on the Farm Bill expressing their belief his remarks were not justified.

Mel Davis discussed the division and reorganization of the Montgomery-Walker Soil and Water Conservation District #425 and brought the board up to date on what has been done. He said the district has obtained an audit and agreed on the division of funds and equipment. The two new districts to be formed would be Montgomery County SWCD #452 and Walker County SWCD #453. On motion of Albert Evans, seconded by Dick Schendel the Board agreed to approve the district division and reorganization as being practicable and feasible. Motion carried. Mr. Davis then advised the board of the division of assets and liabilities and division of equipment as agreed on by each proposed district. The two proposed districts had requested the reallocation of grant funds to be divided equally. On motion of Albert Evans, seconded by Dick Schendel the board approved the distribution of assets and liabilities pending the reimbursement of the state fund from the trust fund for one travel payment noted in the audit. Motion carried. District director appointments for Zones Two and Four of each new district

were discussed. Appointments for Montgomery County SWCD #452 were Thomas Wayne Register for Zone 2 and Robert Cargill for Zone 4. Appointments for Walker County SWCD #453 were S. W. Dorrell, Jr. for Zone 2 and Eugene Morgan for Zone 4. On motion of Albert Evans, seconded by Dick Schendel the appointments were approved as presented. Motion carried.

Future meeting sites for the 1996 annual statewide meeting of soil and water conservation district directors were then discussed. Mel Davis informed the Board he had looked at facilities in Fort Worth and then he updated the information on Corpus Christi that was given to the Board at the last board meeting and said all other information was the same as presented at the last board meeting. After discussion and on motion of Dick Schendel, seconded by Albert Evans, the board voted to hold the 1996 annual statewide meeting in Fort Worth on the proposed dates of September 16-18, 1996. Motion carried.

A planning committee for the 1995 annual state meeting to be held in Galveston on October 16-18, 1995 was discussed. It was the consensus of the Board to use the same format for the committee that has been used in the past. The committee will include: State Board Chairman, State Association President, Board Member and Association Director from the area in which the state meeting is being held, Auxiliary President, Executive Director and whatever staff members the Executive Director determines necessary. Galveston is in State District Three.

Cherié King presented a preliminary financial report on the regional conservation awards banquets. She advised that if any changes were to be made in the conservation awards program for 1996 they would need to be done by the July board meeting in order to get the printed packets to districts by the start of the school year. The Board discussed the definition of "immediate family" in the rules and thought it might need to be changed to "household". The Board directed staff to prepare a recommendation for presentation at the July board meeting.

Clyde Gottschalk reported on the ongoing activities of the Information/Education Department. He said all districts have been sent new material to be added to their SB 503 Reference Guides. He discussed a plan of developing a series of success stories for the SB 503 program later this summer; advised that summer workshops for teachers are planned across the state; reported that a recent Boy Scout workshop held at Camp Tahuaya was the largest one ever conducted with 165 youth participating; and informed the Board that he is also in the process of assisting with the updating of the catalog for the Association's video library.

Randy Jones gave an update on hiring activities which included an affirmative action update.

Bill Neiser reported on the status of expenditures for the eight month period ending April 30, 1995. Expenditures to date are on track with the operating budget.

Bob Buckley reported on the status of the 1996-97 Biennium Appropriation Bill which had just been through the Conference Committee. He stated that he understood there would not be an employee cap and the agency could then proceed with the SB 503 program as planned. Mr. Buckley said the agency had been treated very well by the Legislature so far this session.

Atlan Pfluger reported the Texas Water Development Board would be considering applications for grants on the following day (May 18th) from 10 districts, with 7 of those being soil and water conservation districts.

Kenton Inglis reported on activities of the Natural Resources Conservation Service and provided the Board a chart on reorganization along with a report on their current activities. He reported area offices are to be closed in Stephenville, Vernon and Uvalde. Mr. Inglis discussed the 1996 fiscal year appropriation for federal conservation programs and said the Great Plains Conservation Program appeared to be in jeopardy of being extensively cut.

Bill Neiser discussed procedures for allocating fiscal year 1996 conservation assistance funds. He provided the Board copies of letters from Anderson-Houston Soil and Water Conservation District #421 and Marion-Cass Soil and Water Conservation District #433 requesting increases in their allocations and a letter from Polk-San Jacinto Soil and Water Conservation District #436 requesting to be considered for an allocation since they failed to submit a budget request for the 1996-97 biennium. Mr. Buckley explained the appropriations will contain additional funds to allocate for conservation assistance and sought guidance from the Board. On motion of Albert Evans, seconded by Dick Schendel, the staff was directed to re-survey the districts to determine the amount of local funds they could expect to raise for the 1996-97 biennium for matching purposes. Motion carried.

Bob Buckley presented an update on legislation affecting the State Board and districts. He reported that HB 1480 had passed both the House and Senate and was in the Governor's office to be signed. He also discussed legislation concerning the Coastal Zone Management Plan and explained changes being considered. The bill adds the State Board as a voting member of the Coastal Coordination Council. Mr. Buckley advised the Board the Property Rights legislation was currently being debated and foresaw no problem with its passage.

The Congressional Hearing on the 1995 Farm Bill held in Lubbock on April 25, 1995 was discussed. Mr. Buckley said the Natural Resources Conservation Service and soil and water conservation districts received several favorable comments.

Fiscal year 1995 Subchapter H Technical Assistance allocations were discussed. Bill Neiser reported to the Board that the staff has been working on a new formula as directed by the Board for allocating these funds. James Moore explained the new formula and compared its results to the existing method of allocation. The Board was advised there was \$65,531.86 to allocate. After discussion and on motion of Harvey Davis, seconded by Dick Schendel, the Board agreed to continue to use the existing

process. Motion carried. Field representatives and Board members reviewed the proposed allocations. Total allocations for each area are:

Area I	-	\$18,370.12
Area II	-	\$13,600.95
Area III	-	\$15,720.58
Area IV	-	\$ 5,828.98
Area V	-	<u>\$12,011.23</u>
TOTAL		\$65,531.86

James Moore updated the Board on Section 319 FY 1996 grant funding. He advised that a grant writing conference had recently been held by the State Board staff in Temple for interested individuals. The deadline for FY '96 grant proposals is June 15. EPA will provide the State Board with grant funds of up to \$2,355,000 by February 1, 1996 which will be distributed by the State Board. All proposals are to be in by the July board meeting.

Mr. Moore advised the Board on the status of the SB 503 program and said 306 plans had been certified this year making a total of 480 plans certified since the program began. The Board was provided a report on FY '95 cost share allocations obligated by districts. Mr. Buckley reported on a complaint received on a dairy in the San Angelo area and of a meeting with State Representative Robert Junell concerning this complaint.

James Moore provided information on requests for allocations of FY '95 water quality management plan cost share assistance from statewide funds. Requests were from Nacogdoches SWCD #401, McLennan County SWCD #512, Rusk SWCD #447, Hemphill SWCD #138, and Panola SWCD #448. Mr. Moore reported the requests were acceptable and recommended they be approved. On motion of Albert Evans, seconded by Dick Schendel, the requests were approved as recommended. Motion carried.

Mr. Buckley discussed the reallocation of cost share funds for funds not being used by the district to which they were originally allocated and requested Board direction. On motion of Harvey Davis, seconded by Albert Evans, the Executive

Director was authorized to reallocate unused cost share funds to other districts in the same area from which the funds are returned after consultation with Board member and field representatives. Motion carried.

The Board then returned to Item #23 on the agenda to consider the remaining water quality cost share practices that were not discussed earlier in the meeting. A question was asked as to applicability of cost-share assistance for plugging of abandoned water wells. Mr. Buckley explained that under existing policy this practice has to be a part of a water quality management plan to be eligible for cost share assistance. Additional proposed changes to the current state approved cost-share list considered were: 1) Add "conservation cover, Code 327, life span of 10 years". - No action taken. 2) Add under Irrigation System "sprinkler, chemigation equipment, Code 442, life span 10 years." After some discussion, on motion of Dick Schendel, seconded by Albert Evans and Harvey Davis, chemigation equipment added to an existing system was made eligible for assistance. 3) The Board considered deleting reference to "B slope land" for Sprinkler Irrigation Systems and changing it to read "Sprinkler, Conversion to Low Pressure." After discussion and on motion of Buddy Clark, seconded by Dick Schendel, the Board approved cost share for conversion from high pressure to low pressure systems on any slope land, new installations on B slope with a requirement that 25% of the land is B slope. Motion carried. 4) The Board then discussed adding "Structure for Water Control, Code 587, life span 10 years". No action was taken.

James Moore reported that the Texas Natural Resource Conservation Commission had adopted new rules on confined animal feeding operations and they should be published in the TEXAS REGISTER in the near future. He said the new rules would impact only new facilities and that copies of the new rules would be sent to the Board members as soon as available. He advised the Board that a new commissioner for the TNRCC had been appointed and confirmed by the Senate. The new commissioner is Mr. Ralph Marquez, a retired chemical engineer from Texas City.

Mr. Moore reported that legislation for the Clean Water Act Reauthorization was voted out of the US House of Representatives on June 16. Mr. Moore read from HR 961 and discussed how it could impact nonpoint source management programs.

The Texas Coastal Management Program was discussed by James Moore. He reported on a meeting of the Coastal Coordination Council set for June 29. The State Board will be represented by Dick Schendel.

Mr. Moore then discussed water conservation in the Edwards Aquifer as it relates to the Federal Court cases under the Endangered Species Act. He informed the Board of the two law suits filed by the Sierra Club against the U. S. Department of Agriculture and the Department of the Interior concerning the Edwards Aquifer. Joe Moore, the court appointed monitor for the Edwards Aquifer is developing a plan for the Edwards under which the City of San Antonio has been encouraged to promote brush control.

James Moore discussed the state's pesticides in groundwater management plans and explained that he has not yet received any further documents from TNRCC.

Mr. Moore gave an update on the dairy outreach program activities and of a meeting he had with TNRCC personnel. He was to receive a letter from TNRCC explaining everything they were doing with dairies under permit size, but as of May 15th he had not received that information.

James Moore updated the Board on the Corpus Christi Bay and Galveston Bay National Estuary Programs. He then discussed TNRCC's study on the Nueces Coastal Basins which had published pollution potential indexes involving agricultural nonpoint sources. He said future studies would be coordinated through the State Board. He further reported that Andy Garza will be designated to serve on the scientific/technical advisory committee for the Corpus Christi Bay National Estuary program and that the Galveston Bay Management Plan had been approved and a Council will be formed to oversee implementation, and the State Board will be represented on the Council.

Bill Neiser provided the Board members with a travel report. On motion of Harvey Davis, seconded by Dick Schendel, the Board approved out of state travel for Albert Evans to the Tri-State Woodlands Clinic in Toledo Bend State Park near Zwolle, Louisiana.

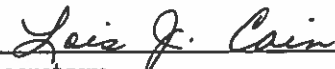
Subchapter H Technical Assistance allocations for FY '95 for each state area had been adopted earlier in the meeting. After Board consultation with each respective field representatives on motion of Buddy Clark, seconded by Harvey Davis, the Board approved district allocations as attached.

Election of officers for the State Board was conducted. Paul Robertson asked for nominations for chairman. Dick Schendel nominated Buddy Clark and Harvey Davis seconded the nomination. There being no other nominations on motion of Dick Schendel, seconded by Harvey Davis nominations were ceased and Buddy Clark was elected chairman by acclamation. Nominations for vice chairman were called for. On motion of Albert Evans, seconded by Buddy Clark, Dick Schendel was nominated and elected by acclamation. Motion carried.

Paul Robertson thanked everyone for their support and participation during his year of service as Chairman of the Board.

The meeting adjourned at 4:25 p.m.


Chairman


Secretary

7-20-95
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on May 17, 1995.

7-20-95
Date


Executive Director